

## REMARKS

This amendment is in response to the Final Office Action mailed June 14, 2007, and is being filed together with a Request for Continued Examination.

In the present paper, claim 27 is amended. Claims 19-26, which were withdrawn from consideration in response to an election/restriction requirement, are canceled. Claims 1-18 and 27-32 are now presented for the Examiner's consideration in view of the following remarks:

### Request for Telephone Interview

The undersigned wishes to thank the Examiner for her courtesy during the telephone conversations with the undersigned held on Friday, September 7, 2007 and on Friday, November 8, 2007. During each of those conversations, the undersigned requested a formal telephone conference to discuss the merits of the case. During the November conversation, the Examiner indicated that, after an RCE is filed, she would conduct a telephone conference including the supervisory patent examiner.

### Claim Rejections

In the Final Official Action, the Examiner has rejected claims 1-13, 15-18, 27, 30 and 32 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,148,910 to Williams ("Williams"), has rejected claim 14 under 35 U.S.C. § 103(a) as unpatentable over Williams in view of U.S. Patent No. 5,577,599 to Turek et al., has rejected claims 28 and 29 as unpatentable over Williams in view of U.S. Patent No. 4,978,816 to Castonguay et al., and has rejected claim 31 as unpatentable over Williams in view of U.S. Patent No. 6,396,008 to Maloney et al. Applicant respectfully traverses those rejections for the reasons set forth below.

### The Williams Reference

Williams discloses an apparatus for tagging a circuit breaker to indicate that work is being done on a circuit. When installed, the device keeps the circuit breaker in an open position (Williams, Abstract). The Williams apparatus is installed on a breaker to prevent breaker operation, and is removed from the breaker to permit breaker operation (*id.*). Unlike the apparatus of the present invention, an installed Williams device does not have any “position” allowing the breaker actuator to be moved between pole positions. The Williams device is instead intended to be removed from the breaker when not in use as a lockout device.

The Williams apparatus includes a closure P having a top plate 40 (FIG. 1, col. 2, lines 43-65). Extending downwardly from the top plate 40 is a connector sleeve 50, in which a contact finger 46 is inserted. Through a resilient padding 62, the contact finger 46 contacts the circuit breaker handle H when in the “OPEN” position shown in FIG. 3. The connector sleeve 50 and contact finger 46 ARE NOT in a position to prevent the circuit breaker handle H from being moved to a “CLOSED” position. As shown in FIG. 3, the sleeve 50 and finger 46 are to the left and outside the operation zone of the handle H, which moves to the right.

The Williams apparatus also includes a camming structure C mounted to the closure P by a pivot pin 78 (FIG. 3; col. 3, lines 51-58). The camming structure C also has a padding cover 82 for contacting the breaker handle H. As part of the installation of the Williams device on a breaker, the camming structure is pivoted against the handle H to hold the handle in the OFF position.

### Discussion

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Applicant respectfully submits that none of the independent claims of the present case are anticipated by Williams because Williams does not show each and every element set forth in those claims.

Claim 1 requires that, in the second position:

said actuator restrainer is positioned substantially within  
the actuator operation zone.

The actuator operation zone is explicitly defined in claim 1 as the

zone defined by movement of the actuator between a first  
pole and a second pole.

In both the Official Action of 10/05/06 and the Final Official Action of 06/14/07, the Examiner has alleged that the connector sleeve 50 of Williams anticipates the actuator restrainer of claim 1. Applicants assert that the connector sleeve 50 of Williams is not "positioned substantially within the actuator operation zone," as required by claim 1. The connector sleeve 50 of Williams is instead outside that zone.

As shown in Williams FIG. 3, handle H is positioned at a first pole and may be moved to the RIGHT to a second pole, traversing the "operation zone" as defined in claim 1. The connector sleeve 50 of Williams is positioned to the left of the operation zone and is not "within" that zone as required by claim 1.

Claim 1 additionally requires that:

upon direct contact of the actuator with said actuator  
restrainer, said actuator restrainer substantially resists manual  
manipulation of the actuator from the first pole to the second pole.

The Williams connector sleeve 50, which the Examiner has alleged anticipates the actuator restrainer, does not, “substantially resist[s] manual manipulation of the actuator from the first pole to the second pole,” as required by claim 1. Instead, as clearly shown in FIG. 3 of Williams, the connector sleeve 50 is outside the range of motion of the handle H and would therefore NOT resist the circuit breaker handle H from “manipulation . . . from the first pole to the second pole.

For each of the above reasons, Applicant submits that the limitations of independent claims 1, 16 and 27 are neither taught nor suggested by Williams. Applicant further submits that the dependent claims in the case, which incorporate the limitations of their base claims, are patentable for at least the same reasons.

#### Claims 27

Independent claim 27 is directed to a system including a circuit breaker and a securement. The securement includes an actuator restrainer coupled to an actuator guard similar to the corresponding elements of claim 1. Applicant submits that claim 27 therefore distinguishes over Williams for at least the reasons outlined above with reference to claim 1.

Claim 27 further requires a “base component” in addition to the actuator restrainer and actuator guard. Williams discloses no such component, and Applicant submits that claim 27 is novel and patentable over Williams for that additional reason.

In the “Response to Arguments” Section of the Final Official Action, the Examiner has asserted that on:

- Page 14, paragraph 3, applicant argues that Williams does not disclose a “base component”. This argument is not found to be persuasive because Williams clearly discloses the “base component 10” in figure 3.

In fact, the element 10 of Williams referred to by the Examiner is the breaker box or casing in which the breaker is mounted (Williams, col. 3, lines 32-35). Claim 27 of the present application requires the following two elements: (1) “a circuit breaker with a substantially planar face,” and (2) “a securement comprising a base component adapted to fit on the substantially planar face.” Applicant asserts that the breaker box 10 of Williams cannot be the base component of claim 27 because (a) the breaker box 10 does not comprise the securement; instead, it is part of the circuit breaker; and (b) the breaker box 10 is not “adapted to fit on a substantially planar face of the circuit breaker.”

Claim 27 has additionally been amended to require that the actuator restrainer be “integral with” the actuator guard. The claim had formerly required that the actuator restrainer be “coupled to” the actuator guard. Applicant submits that claim 27 is patentable for that additional reason.

#### Advisory Action

In the Advisory Action mailed on October 17, 2007, the Examiner responded to the Request for Reconsideration of September 8 by stating that it

does not place the application in condition for allowance because: the arguments do not overcome the rejection because the cited references provide sufficient teaching regarding the obviousness of the claimed invention.

Applicant requests that the Examiner provide further explanation as to the substance of any obviousness rejections of the independent claims based on 35 U.S.C. § 103.


*Conclusion*

Applicant therefore respectfully asserts that claims 1-18 and 27-32 are in condition for allowance, and earnestly requests that the Examiner issue a Notice of Allowance.

The undersigned requests that the Examiner to schedule a telephone conference to discuss the points made in the present paper.

Should the Examiner have any questions regarding the present case, the Examiner is encouraged to contact the undersigned at the number provided below.

Respectfully,

By   
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